City of Concord Planning Board January 20, 2016

Project Summary Sheet Conditional Use Permit

Project: 92 Runnells Rd. (2016-02)

Property Owner: Roy Philbrick
Address: 92 Runnells Rd.

Map/Block/Lot: **36/Z4**

DETERMINATION OF COMPLETENESS:

Determine this application complete and open the public hearing.

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit (CUP) to allow temporary impacts within the 50 ft. wetland buffer for construction of a single family house, and a CUP to allow impacts within the 75 ft. Shoreland Buffer for construction of a driveway at 92 Runnells Road within the Open Space Residential (RO) District. Map/Block/Lot: 36/Z4

PROJECT DETAILS:

Zoning: (RO) Residential Open Space Existing Use: Vacant – private campsites

Lot Area Required: 2 ac.

Lot Area Provided: 1.47 ac (existing lot of record)

Lot Frontage Required: 200' Lot Frontage Provided: 200'

Building Setbacks Required: 50'front, 50'rear, 40'side Building Setbacks Provided: 50'front, 50'rear, 40'side

1. GENERAL COMMENTS

- 1.1 The following comments pertain to a five sheet plan set and CUP narratives, which we received on 1/7/16.
- 1.2 Please see the attached Engineering comments from Laura Aibel, P.E., and Jeff Warner, P.E. dated 1/15/16.
- 1.3 The applicant received several variances at the 1/5/16 Zoning Board of Adjustment hearing, including from Section 28-3-2(d) of the Zoning Ordinance (ZO) to construct a residential building and well within the 100-year floodplain, and Section 28-3-2(f) (ZO) to construct a residential structure within the 100-year floodplain not served by municipal water or sewer.

2016-02 92 Runnells Rd. 1-20-16

1.4 The applicant went before the Conservation Commission during their 1/13/16 meeting for review of the CUP for the wetland buffer disturbance. Members had no objections to the application, though they recommended that the applicant demonstrate that best practices are being used to ensure as little impact as possible.

1.5 The applicant requests a waiver from Section 24.08 of the Site Plan Regulations (SPR), which requires a 4,000 sf septic drain field area, test pit locations, and test pit logs in accordance with NHDES regulations. The applicant has demonstrated that the DES requirements pertain specifically to subdivisions, and that NHDES has alternative requirements for individual subsurface disposal systems (ISDS). The applicant will provide documentation of compliance with ISDS standards. Therefore, Staff supports the waiver request.

2. CONDITIONAL USE PERMIT

- 2.1 The applicant is requesting a CUP in accordance with Section 28-3-3(f) (ZO) to allow disturbance within the Shoreland Protection District for construction of a driveway. The applicant states that the proposed driveway will be constructed of pervious materials, and that proposed plantings and driveway construction will result in an overall reduction of impervious surface area within the buffer.
- 2.2 The applicant is also requesting a CUP in accordance with Section 28-4-3-(d) (ZO) to allow disturbance of the wetland buffer for construction of a single family home and drilling of a well.
 - Staff notes that the "offset" method of indicating the location of the 50-foot wetland buffer increased the width of the buffer to approximately 80 feet from the "tip" of the designated wetlands. Staff recommends the applicant more accurately indicate the location of the 50-foot buffer using a radius from the "tip" of the wetland. This will minimize the apparent impact within the buffer.
- 2.3 The narratives provided by the applicant (see attached) describe how the criteria of all applicable sections of the ordinance are met, including Section 29-4-4(b) (4) (ZO), which states the criteria for the Planning Board decision.

3. TECHNICAL REVIEW COMMENTS

- 3.1 Revise the Contour Plan to correctly indicate the grading for the 353-foot contour.
- 3.2 Revise the Existing Conditions Plan to include existing paving. Please clarify whether the square footage of the driveway is proposed to be reduced. If so, also indicate the extent of existing paving on the Home Site and Contour Plans, to better demonstrate the reduction in surface area.
- 3.3 Indicate the area currently used for roadside parking on the Existing Conditions Plan.
- 3.4 Indicate the following on the Home Site Plan, or a separate Restoration Plan:
 - the limit of clearing;
 - strategies to protect existing trees;
 - procedures for restoration of the wetland buffer and other disturbed areas; and
 - the location, size, and species of proposed vegetation (including scientific and common names).

3.5 Revise the CUP narrative for the Shoreland Protection District disturbance to correctly cite Section 28-3-3(f)(1) as the section that authorizes the conditional use. (This can be found under Item a. in the narrative, which describes how the criteria of Section 29-4-4(b) are met.)

4. **RECOMMENDATION**

- 4.1 **Grant Conditional Use Permit approval** in accordance with Section 28-3-3(f) (ZO) to allow disturbance within the Shoreland Protection District for construction of a driveway, subject to the conditions noted in Items 4.3 and 4.4.
- 4.2 **Grant Conditional Use Permit approval** in accordance with Section 28-4-3-(d) (ZO) to allow disturbance of the wetland buffer for construction of a single family home and drilling of a well, subject to the conditions noted in Items 4.3 and 4.4.
- 4.3 <u>Precedent Conditions</u> to be fulfilled within two years and prior to endorsement of the final plan by the Planning Board Chairman and Clerk, unless otherwise specified:
 - (1) Any waiver(s) or variances granted are to be noted and fully described on the plan including date granted and applicable Section number(s). Should the Board vote to deny any waiver request, the applicant shall comply with said submission requirement.
 - (2) Address to the satisfaction of the Engineering Division, review comments from Laura Aibel, P.E., and Jeff Warner, P.E. dated 1/13/16
 - (3) Address Technical Review Comments, noted in Section 3 above to the satisfaction of the Planning Division.
 - (4) Demonstrate that best practices are being used in the disturbance and re-vegetation of wetland buffers and the Shoreland Protection District, to the satisfaction of Planning Staff.
 - (5) The Licensed Land Surveyor and Certified Wetland Scientist shall sign and seal final plans.
 - (6) Provide documentation that all required NHDES Shoreland Protection Act permits and approvals have been received, including ISDS approval of the septic system.
- 4.4 **Subsequent Conditions** to be fulfilled as specified:
 - (1) Prior to issuance of a Certificate of Occupancy, the limits of the wetland buffers shall be flagged with Conservation Easement disks provided by the Planning Division. The disks may be located on the stone monuments proposed by the applicant.
 - (2) The Applicant shall deliver to Planning, one plan set for endorsement by the Planning Board Chairman & Clerk. Applicant shall then make three (3) copies of the endorsed plan set to be returned to Planning.
 - (3) Traffic, recreation and school impact fees shall be assessed for construction of the new home. The impact fees and procedures shall be those in effect at the time of the issuance of a building permit as set forth in the City of Concord Code of Ordinances. The specific fees assessed are those contained in Section 29.2.1-1 Assessment and Collection; subsection (b) Computation of the Amount of Impact Fees; Table 1, School Facilities; Table 2, Recreational Facilities; and Table 3, Transportation Facilities.

Prepared by: HRS

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CITY OF CONCORD

NEW HAMPSHIRE

Community Development Department

Engineering Services Division

City Hall • 41 Green Street • Concord, NH 03301 • tel. (603) 225-8520 • fax (603) 230-3630

TO: Community Development

FROM: Laura M. Aibel, PE, Associate Engineer

Jeffrey A. Warner, PE, Project Manager/Civil Engineer

DATE: January 14, 2016

SUBJECT: CUP review for Philbrick; Map 36Z, Lot 4

Engineering Services has received the following items for review:

- 1. Site Plan Features (1 sheet); submitted by Michael A. Lambert, Environmental Scientist dated December 23, 2015 having no revision dates; received January 7, 2016.
- Home Site Plan (1 sheet); submitted by Michael A. Lambert, Environmental Scientist dated December 26, 2015 having no revision dates; received January 7, 2016.
- Contour Plan (1 sheet); submitted by Michael A. Lambert, Environmental Scientist dated December 30, 2015 having no revision dates; received January 7, 2016.

As a supplement to any comments offered by Planning, we offer the following design related comments. With subsequent submissions, please provide a response letter acknowledging / addressing the comments noted below.

General Comments

- 1. Where the narrow portion of the wetland comes to a "point", the wetland buffer should be represented with a 50' arc centered on the "point". This will result in a smaller area of disturbance to the wetland buffer.
- Please clarify the grading for the driveway. It appears that the grading at the end of the driveway will remain unchanged and yet the existing grades are between 6% (between the 351 and 352 contour) and 14% between the 352 and 353 contour.
- Please review the proposed 353 contour in front of the house. It does not appear to be drawn correctly. The 353 contour west of the driveway is incomplete.
- The NHDES Shoreland Rules specify that the septic system must be located a minimum 75' from adjacent rivers and streams. Septic systems must also be 50' from poor draining soils (wetlands). Is the remaining area adequate for the installation of a septic system?
- The proposed limits of clearing for the house, grading, driveway and septic system should be shown on the plans.



DEC 2 3 2015

CONDITIONONAL USE PERMIT ZONING BOARD OF ADJUSTMENT - PLANNING BOARD ing Division City of Concord - Map 36Z4 Concord NH

Section 28-4-3 (d.) & 28-3-3 (f.)

Narrative:

A lot located in a RO zone, FH district and SP district is being proposed for consideration by the City of Concord's Planning Board and Zoning Board, to facilitate construction of a single family home site. The property has a history of use, which includes camper and tent sites, roadside parking area, "out-house" and electrical service kiosk. A valuable characteristic of the property is its 200' of Contoocook River frontage, located directly adjacent to Runnells Road and opposite of the proposed home site. As part of the single-family home construction are activities which include, reducing recreational river access from two (2) to one (1) access point and restorative plantings for aesthetic and ecological improvement of the property.

CONDITIONONAL USE PERMIT

City of Concord - Map 36Z4

WETLAND BUFFER

Narrative:

A lot located in a RO zone, FH district and SP district is being proposed for consideration by the City of Concord's Planning Board, to facilitate construction of a single family home site. The property has a history of use, which includes camper and tent sites, roadside parking area, "out-house" and electrical service kiosk. A valuable characteristic of the property is its 200' of Contoocook River frontage, located directly adjacent to Runnells Road and opposite of the proposed home site. As part of the single-family home's construction are activities which include, reducing recreational river access from two (2) to one (1) access point and restorative plantings for aesthetic benefit, ecological improvement and better storm water drainage characteristics.

Wetland Buffer Temporary Impacts:

Temporary wetland buffer impacts (2,040 sq.ft.), resulting from home construction, grading activities and access for well drilling equipment are being proposed. Once these activities have been completed, all temporary buffer area impacts will be restored and planted with native woody plant materials. And, upon completion of the well installation and grading activities, the limits of the wetland buffer will be delineated with stone monuments.

Section 28-4-3 (d.)

(1)

The disturbance of the buffer is necessary to the establishment of an allowable principal or accessory use on the buildable land area of the lot;

A combination of building and disturbance setbacks have limited options for developing a single family home site. Temporary impacts to the wetland buffer are necessary to facilitate minor grade changes and well drilling-equipment access.

(2)

The proposed disturbance to the buffer cannot practicably be located otherwise on the lot to eliminate or reduce the impact to the buffer and represents the minimum extent of disturbance necessary to achieve the reasonable use of those portions of the lot consisting of buildable land;

A combination of building setbacks and disturbance buffers have limited options for site work areas needed to develop a single family home site. A temporary impact to the wetland buffer is necessary to facilitate minor grade changes caused by well-drilling equipment access, building construction and site-work. To minimize disturbance, a site plan was carefully prepared which demonstrates a reasonable use of a limited area.

(3)

The proposed disturbance to the buffer minimizes the environmental impact to the abutting wetland, and to downstream property and hydrologically connected water and wetland resources;

An effort has been made to maintain at least a 40 feet separation between the temporary disturbances and edge of wetlands. Throughout site-work construction, best management practices (BMP), for limiting drainage and erosion, will be implemented.

(4)

Where applicable, wetland permit(s) have been received or are obtained from the NHDES and USACOE; and

Within the NHDES SLPA's 50 feet *natural buffer* <500 sq. ft. of disturbance will occur. This disturbance is related to a driveway and in an area previously impacted and considered impervious by NHDES standards. The proposed driveway will utilize permeable surface technology and result in a net decrease of impact with the *natural buffer*.

A NHDES SLPA permit has yet to be applied for.

(5)

Where applicable, permits or proof of compliance with all other state and/or federal regulations have been received or are obtained.

The NHDES SLPA permit has yet to be applied for.

Section 29-4-4 (b.)(4)

(a.)

The use is specifically authorized in this ordinance as a conditional use;

Conditional use permits for the proposed buffer temporary impacts are specifically authorized, see: Section 28-4-3 (d.)

"The Planning Board may grant a conditional use permit allowing the disturbance of a buffer in conjunction with construction or installation of roads, utilities, and drainage improvements and other uses which require the placement of impervious surfaces, and the draining, dredging, filling, recontouring, or grading of the land within the buffer."

(b.)

If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;

Site-work and home building activities comply with all requirements, special conditions and/or standards of the ordinance.

(c.)

The use will not materially endanger the public health or safety;

Proposed site-work, home building activities and the eventual use of this property as a single-family home-site, pose no endangerment to the public health and/or safety. (d.)

The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

Within 1,000 feet of the site are found four (4) single-family homes. Creating the proposed single-family home in this "neighborhood" is consistent with local land use. (e.)

The use will not have an adverse effect on highway or pedestrian safety;

The proposed single-family home's development will contribute little additional traffic or reduce pedestrian safety. A driveway permit will be granted which will include illustrating more than adequate sight-distance and driveway approach grades.

(f.)

The use will not have an adverse effect on the natural, environmental, and historic resources of the City; and

Construction activities associated with the proposed single-family home site development includes removing approximately 4,000 sq. ft. of impervious surface and 75 plantings of native plant material; as well as, all temporary wetland buffer impacts will be restored with native plant materials. Any significant historic resources appear to be absent form the property. (g.)

The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

The proposed single-family home will not require excessive public expenditure and sufficient service capacity exists. The single-family home will have its own water supply and septic system. Electrical service has already been provided to the site.

CONDITIONONAL USE PERMIT

City of Concord - Map 36Z4

75' SHORELAND PROTECTION DISTRICT

Narrative:

A lot located in a RO zone, FH district and SP district is being proposed for consideration by the City of Concord's Planning Board, to facilitate construction of a single family home site. The property has a history of use, which includes camper and tent sites, roadside parking area, "out-house" and electrical service kiosk. A valuable characteristic of the property is its 200' of Contoocook River frontage, located directly adjacent to Runnells Road and opposite of the proposed home site. As part of the single-family home's construction are activities which include, reducing recreational river access from two (2) to one (1) access point and restorative plantings for aesthetic benefit, ecological improvement and better storm water drainage characteristics.

75' Shoreland Protection District Disturbance:

Approximately 950 sq. ft. of disturbance will result form construction of a driveway which will provide access to a proposed single-family home. This driveway will be constructed using permeable surface technologies and result in a net decrease of impermeable surface in the 75' shoreland protection area of this property. Presently a roadside parking area makes up approximately 4,000 sq. ft. of the property's frontage and is considered by NHDES standards to be impermeable. All of the roadside parking will be eliminated and 75 plantings of native plant materials will be completed in this area as part of site-work activities.

28-3 sec. 3 (f) (2)

(a.)

The proposed disturbance to the buffer represents the minimum extent of disturbance necessary to achieve the reasonable use of, or provide access to, land outside of the buffer area:

The proposed disturbance is located in an area previously impacted. A proposed 15 feet wide driveway, constructed with permeable material, will improve the 75' protection buffer by eliminating current impermeable conditions.

(b.)

The proposed disturbance to the buffer minimizes the environmental impact to the adjacent surface waters;

Adjacent surface water will not be adversely because no storm water runoff will result from the proposed driveway's construction. Restorative activities are planned for the 75' buffer which will improve natural characteristics within the buffer.

(c.)

The proposed disturbance to the buffer cannot practicably be located otherwise to eliminate or reduce the impact to the buffer and the adjacent surface waters;

The proposed driveway is practically located to provide access to a single-family home and minimize buffer impacts.

(d.)

In the case of an application for a conditional use permit for a water dependent use or structure, a permit from NHDES in accordance with RSA 482-A, Fill and Dredge in Wetlands, has been received; and

This NHDES permitting is not required.

(e.)

Where applicable, permits or proof of compliance with all other state and federal regulations have been received.

Within the NHDES SLPA's 50 feet *natural buffer* <500 sq. ft. of disturbance will occur. This disturbance is related the driveway and in an area previously impacted and considered impervious by NHDES standards. The proposed driveway will utilize permeable surface technology and result in a net decrease of impact with the *natural buffer*.

A NHDES SLPA permit has yet to be applied for.

Section 29-4-4 (b.)(4)

(a.)

The use is specifically authorized in this ordinance as a conditional use;

Conditional use permits for the proposed buffer temporary impacts are specifically authorized, see: Section 28-4-3 (d.)

"The Planning Board may grant a conditional use permit allowing the disturbance of a buffer in conjunction with construction or installation of roads, utilities, and drainage improvements and other uses which require the placement of impervious surfaces, and the draining, dredging, filling, recontouring, or grading of the land within the buffer."

(b.)

If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;

The proposed driveway's construction activities comply with all requirements, special conditions and/or standards of the ordinance.

(c.)

The use will not materially endanger the public health or safety;

The proposed driveway's construction activities and the eventual use of this property as a single-family home-site, pose no endangerment to the public health and/or safety. (d.)

The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

Within 1,000 feet of the site are found four (4) single-family homes. Creating the proposed driveway in this "neighborhood" is consistent with local land use. All 4 homes have driveways.

(e.)

The use will not have an adverse effect on highway or pedestrian safety;

The proposed driveway's construction will contribute little additional traffic or reduce pedestrian safety. A driveway permit will be granted which will include illustrating more than adequate sight-distance and driveway approach grades.

(f.)

The use will not have an adverse effect on the natural, environmental, and historic resources of the City; and

Construction activities associated with the driveway includes removing approximately 4,000 sq. ft. of impervious surface and 75 plantings of native plant material. Any significant historic resources appear to be absent form the property.

(g.)

The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

The proposed single-family home will not require excessive public expenditure and sufficient service capacity exists. The single-family home will have its own water supply and septic system. Electrical service has already been provided to the site.

WAIVER REQUEST

Conditional Use Permit Application 92 Runnells Road (2016-02)

In accordance with RSA 674:36 II (n), "a Planning Board may waive any portion of a regulations in such cases where, in the opinion of the Board; strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations."

The following information seeks to explain how a waiver of *Site Plan Regulation 24.08* may meet the spirit and intent of the regulation.

City of Concord Site Plan Regulation

Site Plan Regulation 24.08

Non-Municipal Sanitary Sewage Disposal:

Where a municipal sanitary sewer system is not required under Section 24.02, Municipal Sanitary Sewers of these regulations, sanitary sewage disposal shall be provided by individual waste disposal systems the design and location of which shall meet the requirements of, and be approved by the NHDES. The required 4,000 square foot (4K) septic drain field area required by the NHDES shall be shown on the site plan, Concord, NH Site Plan Regulations 10/19/11 Public Hearing Draft Page 82 along with test pit locations and corresponding test pit logs. Community sewerage systems which serve more than a single lot, an individual dwelling unit, or more than a single non-residential principal use are expressly forbidden in the City of Concord. Each dwelling unit or each principal nonresidential use not served by the municipal sanitary sewer system shall be provided with its own individual waste disposal system.

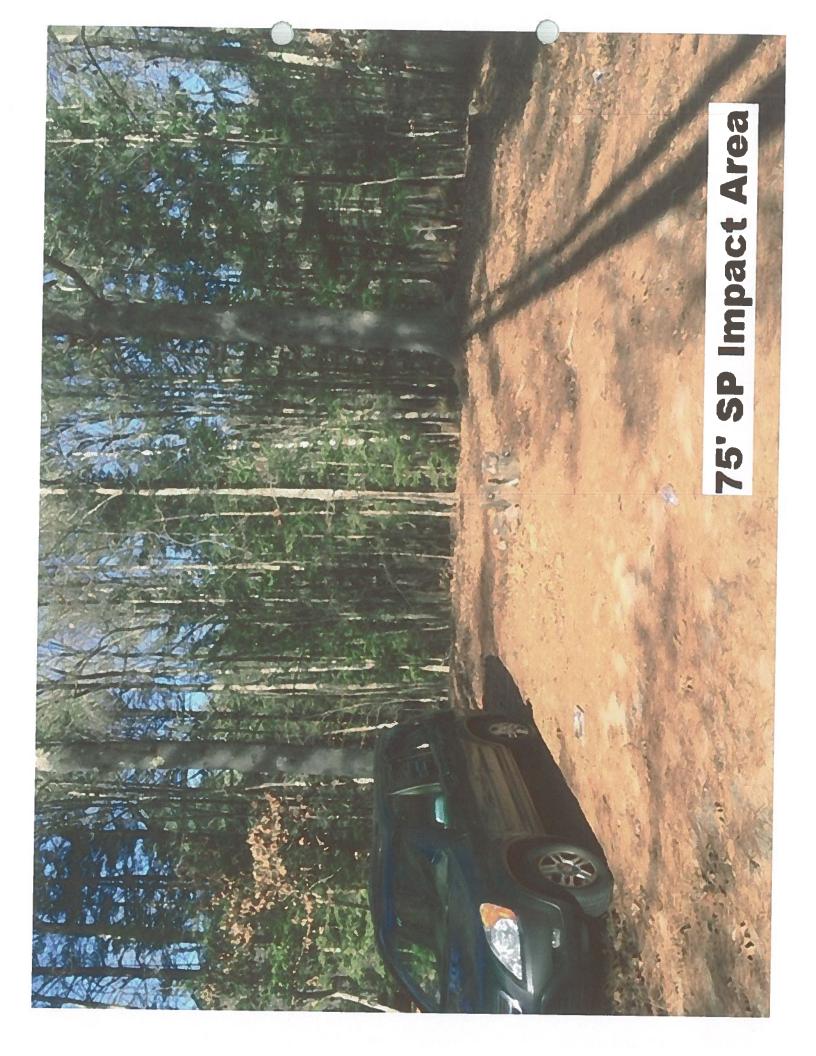
Waiver Requests

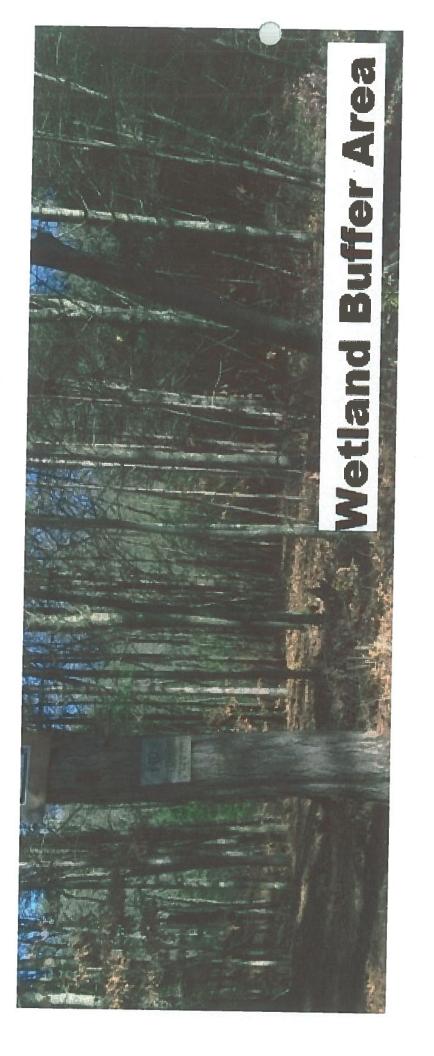
Site Plan Regulation 24.08

This waiver requests relief from the specific part of the regulation requiring that a 4K septic drain field area, test pit location and corresponding test pit logs be shown on the site plan.

Rational for considering waiver include:

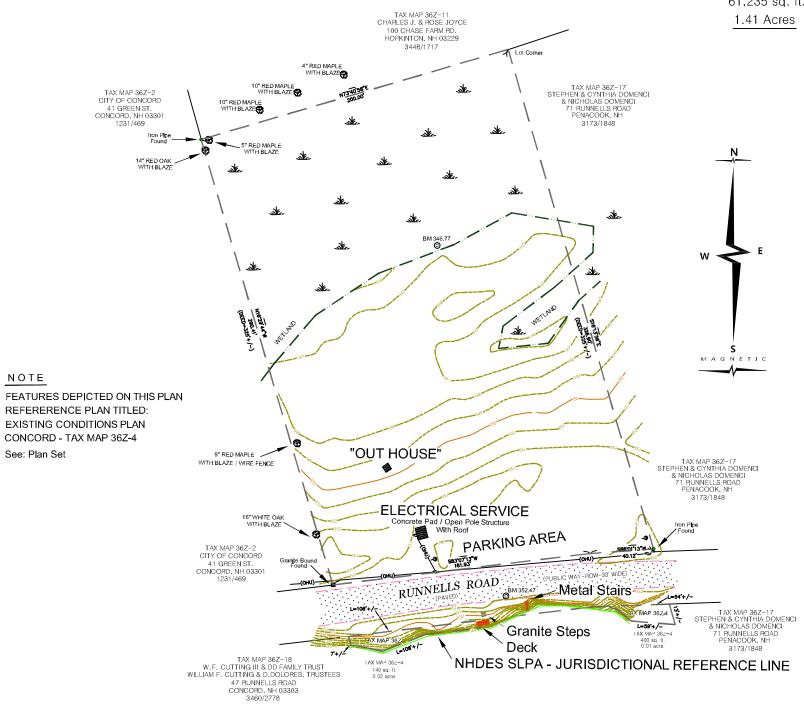
- a). NHDES standards requiring that 4K septic drain field areas, test pit locations and corresponding test pit logs are included with NHDES's *PART Env-Wq 1005 Subdivision Regulations*, while, *PART Env-Wq 1008 Design Requirements For All Systems* is provided to guide septic system design and NHDES's approval criteria.
- b). Env-Wq 1008 Design Standards For All Systems, requirements shall be included with the applicant's proposed two (2) bedroom single-family home's individual-subsurface-disposal-system (ISDS) design application, to be submitted to the NHDES for approval.
- c). The "spirit and intent of the regulations" may be satisfied, when the City of Concord considers, as a precedent condition, that documentation of the NHDES's ISDS approval has been received by the City of Concord.





City of Concord Map 36Z-4

61,235 sq. ft.



LEGEND

Property Line — — –

Wetland Boundary — — — —

Jurisdictional Reference Line

Edge of Pavement

1 ft. contour -----

10 ft. contour – – – – –

Pavement

Wetland 🕸

WETLAND CERTIFICATION NOTE:

1. LIMITS OF JURISDICTIONAL WETLANDS DEPICTED WERE DELINEATED ON-SITE BY MICHAEL LAMBERT, NH CWS, ON 10-9-15 UTILIZING THE FOLLOWING

A) US ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN 1987),

B) REGIONAL SUPPLEMENT TO THE US ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL: NORTH CENTRAL AND NORTHEAST REGION (VERSION 2), 2011, ED WAKELEY, LICHVAR, AND BERKOWITZ. ERDC/EL TR-12-1. VICKSBURG, C) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, CURRENT VERSION, PUBLISHED BY THE NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, AND/OR THE CURRENT VERSION OF THE FILED INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, PUBLISHED BY THE USDA,

D) NORTHCENTRAL-NORTHEAST 2012 FINAL REGIONAL WETLAND PLANT LIST, THE NATIONAL WETLAND PLANT LIST. 2012. RW LICHVAR. ERDC/CRREL TR-12-11. US ARMY CORPS OF ENGINEERS, HANOVER, NH.

2. ALL JURISDICTIONAL WETLAND BOUNDARIES DEPICTED ON PLAN WERE DELINEATED ON SITE. ONLY THE WETLAND BOUNDARY OF THE SINGLE FAMILY HOME SITE WAS LOCATED DURING PROPERTY SURVEYING ACTIVITIES. OTHER WETLAND BOUNDARIES

DATE: _

MICHAEL A. LAMBERT, LPF, CWS

SITE FEATURES PLAN

CONCORD - TAX MAP 36Z-4

Date: December 23, 2015

PREPARED FOR **PHILBRICK**

Roy Philbrick 496 Groton Road - Westford, MA 01886



Michael A. Lambert, Environmental Scientist P. O. Box 756 - Henniker, New Hampshire 603-748-4857 - 4mike@tds.net

